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Applicant's election with traverse of Group I in the reply filed on January 25, 2010 is acknowledged. The traversal is on the ground(s) that "any reasonable search of the elected group of claims will be sufficient for examining the other group of claims...". This is not found persuasive because the inventions listed as Groups I-III do not relate to a single general inventive concept because they lack the same or corresponding special technical features for the reasons as specifically identified in the restriction requirement mailed November 25, 2009. The inventions listed as Groups I-III require a different field of search (e.g., searching different classes/subclasses or electronic resources, or employing different search queries); and/or the prior art applicable to one group would not likely be applicable to another group. Accordingly, any reasonable search of the elected group I would not be sufficient for examining the other groups II and III.

The requirement is still deemed proper and is therefore made FINAL.

Note: the applicants' representative has identified claims 1-23 as consisting of Group I, however, Group I within the restriction requirement mailed November 25, 2009 only consists of claims 1-19, 22 and 23 and does not include claims 20 and 21. Therefore, claims 20, 21, and 24-26 are withdrawn from consideration as being non-elected claims.

The specification is objected to within the Summary of the Invention on pages 2-5 because of the reference to claim numbers within the specification. Upon allowance of the application, the claim numbers are likely to be renumbered and/or certain nonelected claims are likely to be canceled and therefore any reference to such renumbered and/or canceled claims will be erroneous. Appropriate correction is required to remove reference to claim numbers within the specification so that the application can be allowed.

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claims 1-19, 22 and 23 are allowed.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references cited on the PTO-892 each disclose a method and apparatus for recording/reproducing a disk having a burst cutting area recorded thereon.

The following is an examiner's statement of reasons for allowance: the prior art of record considered as a whole fails to teach or suggest an apparatus or method for generating outgoing data to be provided on an optical disk

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in a burst cutting area, the burst cutting area further comprising markings causing a marking frequency spectrum when reading out the burst cutting area, the apparatus or method comprising: a channel encoder for receiving processed data to supply the outgoing data having an outgoing data frequency spectrum with suppressed DC-content, and **a data processing device for generating the processed data to obtain the outgoing frequency spectrum with suppressed DC-content wherein a frequency component causing interference with a low frequency component of the markings is suppressed or not present.** (bold language emphasized)

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

This application is in condition for allowance except for the following formal matters:

1) the presence of claims 20, 21, and 24-26, which were part of Groups II and III non elected in the reply filed on January 25, 2010; and

2) the objection of the specification as described above.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication should be directed to Paul Huber at telephone number 571-272-7588.

/Paul Huber/
Primary Examiner, Art Unit 2627

pwh
April 2, 2010